

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
New Part 4 of the Commission's Rules)	ET Docket No. 04-35
Concerning Disruptions to Communications)	

To: The Commission, *en banc*

REPLY COMMENTS

AMERICAN ASSOCIATION OF PAGING CARRIERS (AAPC), by its attorney, respectfully submits its reply comments to the Federal Communications Commission in response to its Notice of Proposed Rule Making (NPRM) in the captioned proceeding, FCC 04-30, adopted February 12, 2004, released February 23, 2004, and published at 69 Fed. Reg. 15761 (26 March 2004).

AAPC is a national trade association representing the interests of the paging industry throughout the United States. AAPC's members comprise a representative cross-section of the CMRS paging industry, operating nationwide, regional and local paging systems licensed under Parts 22, 24 and 90 of the Commission's rules.

As its reply comments, AAPC respectfully states:

In this proceeding, the Commission proposes to extend its requirements for reporting network outages beyond the historical base of wireline carriers. The Commission proposes for the first time to include paging carriers licensed under Parts 22, 24 and 90 of the Commission's rules, along with other wireless carriers, satellite and cable systems.

For paging and other wireless carriers, the Commission proposes to employ a common metric of 900,000 user-minutes to trigger the reporting requirement. That is, if the outage duration is at least 30 minutes, and the number of “user-minutes” that are “potentially affected” by the outage equals or exceeds 900,000 (*i.e.*, at least 30 minutes times 30,000 users), the affected carrier would be required to report the outage to the Commission. Initial reports would be filed electronically via the internet within 120 minutes after an outage became reportable, and all final outage reports would be filed within 30 days of the initial report.

With respect to paging services, the Commission proposes in general to equate an end user with an “assigned” telephone number. (NPRM at ¶36).¹ The number of “potentially-affected user minutes” thus would be measured as “the mathematical result of multiplying the outage’s duration (expressed in minutes) by the number of potentially-affected assigned telephone numbers.” *Id.*

In AAPC’s view, the most critical issue specifically affecting the paging industry is establishing an appropriate “trigger” for requiring reports by paging carriers. Both MCI, Inc., on behalf of its nationwide licensee subsidiary SkyTel Corp., and the BloostonLaw Paging Group, on behalf of certain carriers serving medium and small markets, identified in their initial comments the difficulties of applying the proposed common metric to real-world paging networks.

While AAPC appreciates the Commission’s desire to adopt a reporting “trigger” that is simple and clear in its application, the SkyTel and BloostonLaw comments adequately demonstrate that the problem does not readily lend itself to the solution proposed, given the complexity of paging networks and the types of outages they characteristically experience. Instead of having a “bright line” to employ, the common metric ordinarily will call for the exercise of a large dose

¹ The Commission defines “assigned” telephone number for outage reporting purposes as the sum of “assigned numbers” and “administrative numbers” as those terms are used in the NRUF Form 502 report. *See* NPRM at ¶22 & n. 53.

of good judgment in determining whether or not a report should be filed in specific outage situations.

Accordingly, if the Commission adheres to its proposal to use a common metric “trigger” for reporting network outages, AAPC urges the Commission to establish some form of staff/industry working group to develop appropriate and realistic guidelines for the paging industry to use in determining whether or not to file a report in particular cases. If the Commission adopts its proposal, it should recognize that a significant educational effort will be required to produce meaningful reports, and it should be prepared to fully assist in that process as part and parcel of its decision to impose outage reporting requirements on the paging industry.

Respectfully submitted,

AMERICAN ASSOCIATION OF PAGING
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